

## **REMARKS**

### **Status of the Claims**

Claims 1-12 are now present in this application. Claims 1, 5, 6 and 10 are independent.

Claims 5 and 10 have been withdrawn, claims 1 and 6 are amended through this Reply. Upon careful review one would conclude that no new matter has been added to the application via this amendment. Support for the amendment can be found at least on line 12 of page 10; lines 1 and 23 of page 11; line 5 of page 12; line 10 of page 13, line 16 of page 18, line 7 of page 27 and Fig. 1, element 13 of the originally-filed specification.

Reconsideration of this application, as amended, is respectfully requested.

### **Rejections under 35 U.S.C. § 103**

Claims 1-4, 6-9, and 11-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. (US 2003/0156204) in view of Pinto et al. (US Patent No. 7,907,195). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Additionally, there must be a reason why one of ordinary skill in the art would modify the reference or combine reference teachings to obtain the invention. A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l Co. v Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007). There must be a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *Id.* The Supreme Court of the United States has held that the "teaching, suggestion, motivation test" is a valid test for obviousness, albeit one which cannot be too rigidly applied. *Id.* Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.*

In this instance, it is respectfully submitted that neither Sato nor Pinto, alone or in combination teaches or suggests all claim limitations.

For example, independent claim 1 recites, *inter alia*, “an updating step of updating distance-correction values by changing the coefficients for the input variable in said N-order function in the distance-correction value calculating step in response to change in optical settings of an optical system of said image pick-up apparatus, said optical system directing light onto said solid-state image pickup device.” (*Emphasis added.*) Independent claim 6 also recites similar feature.

It is respectfully submitted that neither Sato nor Pinto, alone or in combination teaches or suggests the above-identified feature of claims 1 and 6.

On pages 3-4 of the Final Office Action, the Examiner alleges that the claimed updating step of “updating distance-correction values by changing the coefficients for the variable in said N-order function in the distance-correction value calculating step in response to change in optical settings of an image pick-up apparatus” in pending claim 1 is taught by variables in Table 1 and the terminal 7 shown in FIG. 1 of the Sato reference. (*Emphasis added.*)

It is respectfully submitted that the Examiner’s interpretation of the relied upon sections of Sato is erroneous.

The Sato reference discloses that “a data signal indicating the number of pixels of the semiconductor image pick-up device 3 is supplied” from the terminal 7 as described in paragraph [0042]. Table 1 shows seven value multipliers that correspond to their respective seven types of semiconductor image pick-up devices such as CCDs, and the value multipliers are used by a converter 6 shown in FIG. 1, as described in paragraph [0043] of the Sato reference.

However, the claimed optical settings of an image pickup apparatus in pending claim 1 do not stand for the settings of semiconductor image pick-up devices disclosed in the Sato reference.

As discussed above, claim 1 is amended to include a solid-state image pickup device and an optical system that directs light onto the solid-state image pickup device. Claim 6 is also amended to include substantially the same limitations as claim 1.

Applicants submit that the seven types of semiconductor image pick-up devices of the Sato reference are apparently different from the claimed optical system that directs light onto the claimed solid-state image pickup device. It is to be noted that the claimed updating step is the

step of updating distance-correction values in response to change in optical settings of an optical system, while the data signal disclosed in the Sato reference has to be supplied from the terminal 7 in response to change from one semiconductor image pick-up device to another among the seven types of semiconductor image pick-up devices.

It is advantageous that the claimed updating step enables the coefficients of the N-order function to quickly follow the change of the claimed optical settings of the optical system. (*See page 11, lines 113 of the originally filed specification.*)

At least in view of the above, Applicants respectfully submit that the asserted combination of Sato and Pinto (assuming these references may be combined, which Applicants do not admit) fails to establish *prima facie* obviousness of claims 1 and 6 or any claim depending therefrom.

Therefore, for at least these reasons, independent claims 1 and 6 are distinguishable from Sato and Pinto. Claims 2-4 depend from claim 1 and claims 7-9 depend from claim 6. Therefore, for at least the reasons stated with respect to claims 1 and 6, claims 2-4 and 7-9 are also distinguishable from Sato and Pinto.

### **Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant(s) therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

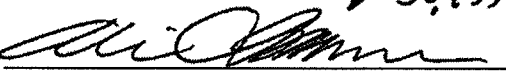
In view of the above amendment, Applicant(s) believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali Imam, Registration No. 58755, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

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